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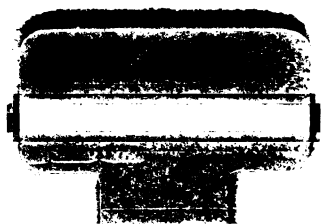
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A LIVING WAGE BY LEGISLATION

THE OREGON EXPERIENCE

BY

EDWIN V. O'HARA

Chairman of the
Industrial Welfare Commission of the
State of Oregon

Oregon Industrial Welfare Commission

Together with the Code of Rulings of the Oregon Industrial Welfare Commission, effective September 1, 1916; Text of the Minimum Wage Law and Extracts from the Decisions of the Oregon Supreme Court upholding the Constitutionality of the Act.

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A Living Wage by Legislation The Oregon Experience

I. RESPONSIBILITIES OF THE STATE

The minimum wage movement is not an isolated program; it is an integral part of a general campaign for the establishment of minimum standards of public health and well-being. It is intimately associated with the demand for the limitation of hours of labor; for accident prevention; for regulation of light, air, congestion and sanitation in the housing of the multitude; for social insurance against accidents, sickness, old-age and unemployment; for popular education and industrial training.

The general thesis is that the State has the duty to prevent any large section of its people from falling below decent standards of living. In support of this general proposition we urge that the submerging of any considerable portion of the population below decent standards of living inevitably results in:

a. Economic evils, namely, a diminished power of production and a diminished power of consumption. An under-fed, over-wrought, unhealthy and under-paid working population must be inefficient workers and will be unable to purchase the products of industry for their own use.

b. Social evils, namely, the spread of infectious and contagious diseases, the lowering of educational standards and the deterioration of public morals. It cannot be questioned that the power of a human being to resist physical disease and moral temptation is greatly weakened by over-strain and malnutrition.

c. Domestic evils, namely, a disintegration of family ties, a diminution of parental control and a growth of parental irresponsibility. Normal home and family life is imperilled in a submerged population.

d. Individual demoralization, namely, an undermining of individual ambition, inferior education, greater moral strain and a deterioration of physique.

e. National weakness, namely, the sapping and decay of patriotism and the physical unfitting of citizens for national defense. A nation will receive the loyalty of its people in proportion as it concerns itself with their welfare.

For these reasons the State, which exists only to promote the well-being of its members, has no more important duty than that of preventing by wisely-drawn and adequately enforced legislation, the submerging of its people below decent standards of living. One of the most important features of such a legislative scheme is the provision for a living wage, which we are to discuss in this paper. It will be important to bear in mind, however, that it is only one feature of the plan and is not expected by its advocates to eliminate all the evils which the whole program is framed to meet; and which indeed the entire program, if enacted into law, would fail (because of the limitations inherent in all human measures) to completely eradicate. Being an integral part of a wider plan, the project for a legal minimum living wage will be greatly strengthened by the adoption of other features of that plan; nevertheless, it need not wait for the adoption of the other elements, but will confer great benefits on the toiling multitudes, on industry and on society at large by its own operation.

II. DEFINITION

The classic definition of a living wage is that given by Pope Leo XIII in his celebrated Encyclical Letter on "The Condition of Labor," published just twenty-five years ago (May 15, 1891). The whole of this remarkable document will repay careful study. I shall confine my quotation to a single passage:

"We now approach," says the great Pontiff, "a subject of very great importance and one on which, if extremes are to be avoided, right ideas are absolutely necessary. Wages, we are told, are fixed by free consent; and, therefore, the employer, when he pays what was agreed upon, has done his part and is not called upon for anything further. The only way, it is said, in which injustice could happen, would be if the master refused to pay the whole of the wages, or the workman would not complete the work undertaken; when this happens the State should intervene to see that each obtains his own, but not under any other circumstances.

"This mode of reasoning is by no means convincing to a fair-minded man, for there are important considerations which it leaves out of view altogether. To labor is to exert one's self for the sake of procuring what is necessary for the purpose of life, and most of all for self-preservation. Therefore, a man's labor has two notes or characters: First of all it is *personal*; secondly, man's labor is *necessary*; for without the results of labor a man cannot live. Now, if we were to consider labor merely so far as it is *personal*, doubtless it would be within the workman's right to accept any rate of wages whatever; for in the same way as he is free to work or not, so he is free to accept a small remuneration or even none at all. But this is a mere abstract supposition; the labor of the working man is not only his personal attribute, but it is *necessary*; and this makes all the difference. The preservation of life is the bounden duty of each and all and to fail therein is a crime. It follows that each one has a right to procure what is required in order to live; and the poor can procure it in no other way than by work and wages.

"Let it be granted then," continues Pope Leo, "let it be granted then that as a rule, workman and employer should make free agreements and in particular should freely agree as to wages; nevertheless," (and this is the conclusion), "nevertheless, there is a

dictate of nature more imperious and more ancient than any bargain between man and man, *that the remuneration must be enough to support the wage earner in reasonable and frugal comfort.* If through necessity or the fear of a worse evil the workman accepts harder conditions because an employer or contractor will give him no better, he is the victim of force and injustice. If a workman's wages be sufficient to enable him to maintain himself, his wife and his children in reasonable comfort, he will not find it difficult, if he is a sensible man, to study economy, and he will not fail, by cutting down expenses, to put by a little property; nature and reason would urge him to do this."

Here are set forth the fundamental principles of minimum wage legislation, the best study of which has been given us by Dr. John A. Ryan in his work entitled, "The Living Wage." We are concerned here merely with the statement of these basic principles and now pass on to the problems which arise in their practical application.

III. FOREIGN EXPERIENCE

The first modern minimum wage legislation was enacted in New Zealand in 1894 (three years after Pope Leo's Encyclical Letter), under the title of The Industrial Conciliation and Arbitration Act. The Australian States soon followed in the same policy. In 1894, Victoria provided for special wages boards to fix minimum wages in various trades. In 1904, the Australian Commonwealth adopted a policy of compulsory arbitration of industrial disputes extending beyond state boundaries. The court of conciliation consists of a president who must be one of the justices of the high court of Australia. In 1909 and 1910, Great Britain adopted and subsequently extended the principle of minimum wage legislation in a number of sweated trades. France also has made a beginning. In all these countries the legal minimum wage applies to men as well as to women. The principles governing the action of

the Australian Court of Conciliation and Arbitration have been outlined by Justice Higgins in an article under date of November, 1915, in the Harvard Law Review. (Reprinted in the Monthly Review of the U. S. Bureau of Labor Statistics, February, 1916.) Justice Higgins has been president of the Australian Court since 1907 and has consequently a wider acquaintance with the application of these principles than any other person. It was his duty to interpret the provision of the law that wages should be "fair and reasonable." He decided to adopt a standard based on "the normal needs of the average employe regarded as a human being living in a civilized community." This interpretation is universally accepted as a basis of minimum wage determinations in Australia, when dealing with unskilled labor. A distinction has also been made between "the basic or primary or living wage and the secondary wage attributable to exceptional qualifications necessary for the performance of special functions."

The following are among the propositions laid down by Justice Higgins:

1. One cannot conceive of industrial peace unless the employe has secured to him wages sufficient for the essentials of human existence.

2. This, the basic wage, must secure to the employe enough wherewith to renew his strength and to maintain his home from day to day.

3. The basic wage is the same for the employe with no family as for the employe with a large family. It rests on Walt Whitman's "divine average," and the employer need not concern himself with his employe's domestic affairs.

7. The wages cannot be allowed to depend on the profits made by the individual employer, but the profits of which the industry is capable may be taken into account.

14. The court will not keep down wages to help one competitor against another.

15. The court accepts and follows the usual practice of making rates for casual employment higher than the corresponding rates for continuous employment.

16. The court provides exceptions to the minimum rates in the case of aged, slow or infirm workers.

18. The court regards the old system of apprenticeship as unsuitable for factories under modern conditions. The proper method, however, seems to be to co-ordinate the work of the factories with the work of the technical schools.

21. Where it is established that there is a marked difference in the cost of living between one locality and another, the difference will so far as possible, be reflected in the minimum wage.

24. In cases where employees are "kept," found in food and shelter by the employer, the value of the "keep" is allowed in reduction of the wages awarded.

25. The principle of the living wage has been applied to women, but with a difference, as women are not usually legally responsible for the maintenance of a family. A woman's minimum is based on the average cost of her own living to one who supports herself by her own exertions. A woman with a comfortable home cannot be left to underbid in wages other women or girls who are less fortunate.

26. But in an occupation in which men as well as women are employed the minimum is based on a man's cost of living; if the occupation is that of fruit picking, as both men and women are employed, the minimum must be a man's minimum.

29. In certain exceptional cases the court has granted a right to a leave of absence for two or three weeks on full pay to employees after a certain length of continuous service; not of course to casual or temporary employees.

In applying the minimum wage principle to piece work the following plan was adopted:

The court prescribed the piece-work rates on a time-work basis—found the piece-work rates which would enable an average worker to earn such wages per week as would be the just minimum for a man (of equal qualifications) if he were paid by time. Sometimes the court protects piece-workers in making their bargain by prescribing that their remuneration shall not fall below, in result, a certain time-work minimum.

IV. AMERICAN LEGISLATION

These propositions of Justice Higgins outline for us admirably the working out of minimum wage legislation abroad.* Let us now turn to our own country. Because it was feared that the courts would consider the application of wage regulation to men an infringement on the right of free contract guaranteed to American citizens by the fourteenth amendment to the Federal Constitution, all measures for minimum wage legislation in America up to the present apply only to women workers. We shall consider the legal question presently. Let us first understand the general provisions of the American acts.

The first American minimum wage commission was created by the legislative assembly of the Commonwealth of Massachusetts in 1912. In several important features the Massachusetts act has been followed by all states enacting such legislation except Utah, which alone of the eleven states has fixed a minimum wage by direct act of the legislature without the instrumentality of an administrative commission and without any obvious relation between the wage so fixed

* For the British experience, see *Studies in the Minimum Wage* by R. H. Tawney, The Ratan Tata Foundation. (University of London, London, 1914-1915.)

and the minimum cost of decent subsistence. Three features of the Massachusetts law have been generally accepted in this country:

1. That a commission shall be appointed to administer the act; thus providing for a continuing body which may acquire some expert knowledge and competence in dealing with the social and economic facts involved.

2. That wage boards or conferences consisting of representatives of the public and of employers and employes in the various industries shall be established to make recommendations to the commission before rulings are made.

3. That the basis of minimum wage determinations shall be an inquiry into the sum "which is adequate to supply the necessary cost of living and maintain the worker in health."

The Massachusetts law differs from all subsequent acts except Nebraska in this, that it is "without teeth"; the decisions of the Massachusetts commission are enforceable only in so far as public opinion is effective and are without legal sanction. The states which have minimum wage laws at this writing are as follows: Arkansas, California, Colorado, Kansas, Massachusetts, Minnesota, Nebraska, Oregon, Utah, Washington and Wisconsin. Practically every other state in the Union has the matter under active discussion; many have official investigating committees preparing elaborate reports on the question.

V. THE OREGON ACT

The Oregon act, which was passed almost unanimously by the legislature of 1913, without regard to party, was prepared by a committee of the Oregon Consumers' League. A survey of the wages, hours and conditions of women workers in Oregon was prepared for the committee by Miss Caroline J. Gleason, who later did a similar work for the Washington

State Industrial Welfare Commission, and who has served continuously as secretary of the Oregon Industrial Welfare Commission since its inception. The Industrial Welfare Commission authorized by the Legislature was appointed by Governor West in the spring of 1913, and began work in June of that year. In addition to the regulation of wages there was committed to the Commission the fixing of maximum hours and sanitary conditions of labor. The Commission as first constituted, consisted of Mr. Amedee M. Smith, representing the employers, Miss Bertha Moores, representing the employes, and the present writer, as chairman of the Consumers' League Committee, which had drafted the law, representing the public. No change has since occurred in the personnel of the Commission.

At the beginning of its work the Commission called informal conferences of employers in the hope that they might voluntarily adopt standards of hours and wages and conditions for their women workers which would make it unnecessary to proceed with compulsory orders. After several weeks of fruitless efforts along this line, the Commission realized that suspicion of their competitors on the part of many employers and disinclination to cooperate with the Commission on the part of not a few, rendered the issuing of mandatory rulings the only practicable course to follow. The autumn of 1913 was devoted to calling conferences in the various industries, receiving recommendations and holding public hearings. Before the end of the year compulsory orders had been entered covering the general field of the Commission's activity. These orders contained the first minimum wage determinations made by any Commission in America. The orders of the Commission, revised to become effective September 1, 1916, will be found codified in an appendix to the present paper. They provide for a minimum weekly wage rate for experienced adult women workers ranging from

\$8.25 in the smaller towns of the State to \$9.25 in certain occupations in Portland. An important feature of the revised orders is the provision for a rise in the wage scale every four months during the year allowed for apprenticeship. Other provisions of the Code relate to the limitation of daily hours of labor, the prohibition of night work, the requirement of one day of rest in seven, a forty-five minute lunch period and general sanitary regulations.

VI. CONSTITUTIONAL QUESTIONS

We have already referred to the fact that American wage legislation has been applied only to women because of the fear that legal interference with the contractual freedom of men might be declared unconstitutional. As a matter of fact the courts were to be called on to decide whether the same would not be considered the case where women were concerned. In upholding the celebrated Oregon ten-hour law, the United States Supreme Court has laid down broadly the grounds on which welfare legislation interfering with the freedom of contract of women would be upheld by the courts while similar legislation would not be sustained for men. Justice Brewer wrote in the case of *Muller v. Oregon*:

That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. Still again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength and this control in various forms with diminishing intensity has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as needing especial care that her rights may be preserved. Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection, may be sustained even when like legislation is not necessary for men and could not be sustained. It is impossible

to close one's eyes to the fact that she still looks to her brother and depends upon him—that her physical structure and a proper discharge of her maternal functions—having in view not merely her own health, but the well-being of the race—justify legislation to protect her from the greed as well as the passion of man.

In that celebrated case the court turned aside from a consideration of mere legal precedent and “took judicial cognizance” of the “facts of common knowledge” that unduly long hours were detrimental to women and to the race and under these circumstances decided that it fell within the sphere of the police power of the State “to abridge the privileges of citizens” guaranteed by the fourteenth amendment to the Constitution. When the rulings of the Industrial Welfare Commission fixing a legal minimum wage became effective, certain employers and their legal advisors felt that the courts might be made to see a profound difference between the grounds for interfering with unduly long hours and the grounds for prohibiting indecently low wages. Consequently a paper box manufacturer in Portland sought to restrain the Commission from enforcing its order because it interfered with his constitutionally guaranteed right of contract. The injunction requested was denied by Judge Cleeton of the Circuit Court and the case was carried to the Supreme Court of the State, where both sides were ably presented. On March 17, 1914, the Supreme Court of Oregon unanimously concurred in a comprehensive decision written by Justice Eakin sustaining the constitutionality of the act. The court said:

Every argument put forth to sustain the maximum hours law or upon which it was established, applies equally in favor of the constitutionality of the minimum wage law as also within the police power of the State, and as a regulation tending to guard the public morals and the public health.

Another suit was subsequently brought against the Commission in the name of an employe of the manufacturer who figured in the first case, alleging an interference with the employe's right of free contract. On April 28, 1914, the Oregon Supreme Court handed down a decision on the employe's case, written by Chief Justice McBride affirming the previous decision of the court. The case was then appealed to the court of last resort. The argument before the Supreme Court of the United States was heard on December 17, 1914; a rehearing of the case has been ordered for the fall of 1916.

We may observe in passing that minimum wage legislation does not really interfere with freedom of contract. The reverse is the truth. As Justice Higgins justly observes:

The imposition of a minimum wage implies of course, an admission of the truth of the doctrine of economists of all schools, I think, that freedom of contract is a misnomer as applied to the contract between the employer and an ordinary individual employe. The strategic position of the employer in a contest as to wages is much stronger than that of the individual employe. "The power of the employer to withhold bread is a much more effective weapon than the power of the employe to refuse to labor." Low wages are bad in the worker's eyes, but unemployment, with starvation in the background, is worse.

To speak of freedom of contract under such circumstances is the height of irony. The purpose of minimum wage legislation with its conferences or wage boards is to substitute to a limited degree a system of compulsory collective bargaining which will give to the contract between employer and employe some character of freedom by placing the contracting parties on a comparatively equal basis.

An important provision of the Oregon act which makes the findings of the Commission conclusive on all questions of

fact, was attacked as denying to the employer "due process of law." The Supreme Court held that "due process of law merely requires such tribunals as are proper to deal with the subject in hand. Reasonable notice and a fair opportunity to be heard before some tribunal before it decides the issues, are the essentials of due process of law."

VII. EFFECTS OF THE WAGE LAW

The Oregon wage rulings have now been in effect two years, and when proper deductions are made for the financial depression through which we have been passing, the general tendencies of the legislation should be apparent. Fortunately, a painstaking investigation was undertaken jointly by the Federal Industrial Relations Commission and the U. S. Department of Labor concerning the effect of minimum wage determinations in Oregon, especially in the mercantile industry. The report of this investigation was published as Bulletin 176 of the U. S. Bureau of Labor Statistics, July, 1915. The investigators examined the records of forty department, dry-goods, five and ten cent, specialty and neighborhood stores for March and April, 1913, and the same months of 1914—periods ending five months before and beginning five months after the first minimum wage determinations went into effect. It was confidently predicted that the wage rulings would supplant female labor by male labor; that the higher paid employes would be reduced in wages and that the average wage would not be increased. The investigators report on these points as follows:

1. Men have not taken women's places.
2. The minimum rate of pay for the experienced adult workers was raised in all occupations. The per cent of the force receiving \$12.00 and over increased after the wage determinations.

3. Average weekly earnings increased ten per cent for the total number of women employed in 1914. And this, it will be observed at a time of financial depression when a ten per cent cut in wages would have occurred except for the wage rulings.

There was a widespread belief that minimum wage legislation in causing a rise in the wages of the lower paid workers would react badly on the better paid and cause their wages to be scaled down. This opinion was in line with the old "wage-fund theory" according to which the entire sum available for wages was fixed and consequently the increase in the wages of any group could be brought about only by a decrease in the wages of another group. No respectable economist today holds this view. It is recognized that the wages of the most poorly paid group sets the standard for all. All experience under minimum wage legislation in the United States and abroad supports the same conclusion, namely, that to ameliorate the condition of the most poorly paid group of workers is to better the condition of all.

A point to bear in mind in all wage discussion is that there is an important difference between the wage rate and the contents of the pay envelope. Unemployment plays havoc with income. Some occupations seldom furnish a full week of employment; others have seasons of rush alternating with seasons when a large part of the working force is let off. In either case a worker whose *wage rate* while actually employed borders on the subsistence minimum will find her actual annual income far below her necessary cost of decent subsistence. An interesting item in the report on the result of the wage determinations in Oregon is that which shows that while the wage law caused an advance in the wage rate it resulted in a still more marked increase in the contents of the weekly pay envelope, indicating a tendency to regularize employment and to reduce the evils of unemployment.

Another result of wage legislation in Oregon has been to stimulate the movement for vocational education. The elimination of the unregulated apprenticeship system with its miserable pittance of a wage and generally inadequate training has been altogether wholesome. It has brought employers and the technical school authorities together in conference with the promise of good both to the schools and the shops. As Justice Higgins well observes, in the face of the modern factory system the old apprenticeship arrangement is an anachronism; the modern substitute for it must be sought in a closer relation between the shop and the technical school.

A weakness of importance in the early rulings of the Commission has been remedied in the revised orders effective September 1, 1916. This defect consisted in the failure to provide a rising scale during the year allowed for apprenticeship. Under the former rulings a girl might be kept on at a wage rate of six dollars a week for the entire year. In many occupations requiring little skill the employers took advantage of this provision by dismissing the girls at the end of the year and replacing them by others at the apprentice wage; in some cases the same result was obtained by transferring the girls to other departments in which they would have to begin their apprenticeship over again. The adoption of a rising scale during the apprenticeship term was seen to be the only effective method of preventing this evasion. Under the system which is now adopted when the period of apprenticeship is drawing to a close, the apprentice will be receiving a wage closely approximating the legal minimum for experienced workers, and the motive for dismissing her will have lost its force. It is felt, too, that the gradual rise in wages during the apprenticeship year will encourage the worker to better efforts and be a just return for the increased efficiency which may fairly be expected by reason of the added months of experience.

VIII. EMPLOYERS' VIEWPOINT

While the argument for minimum wage legislation is generally stated from the standpoint of the employes, it must not be supposed that such legislation is opposed by representative employers. Even apart from the human appeal to which most employers readily respond, a policy of enlightened selfishness on their part would lead them to support this legislation. A legal minimum wage destroys the advantage which unscrupulous employers who are willing to cut wages below the subsistence level have always enjoyed over their more decent competitors. Respectable employers have not been slow to appreciate this fact, as was evident during the public hearings held in the spring of 1916, by the conferences appointed to revise the orders of the Oregon Industrial Welfare Commission. During those hearings, while many employers manifested opposition to further reduction of the working day, opinion was practically unanimous in favor of minimum wage legislation; and an increase in the weekly minimum wage in many occupations in Portland from \$8.25 to \$8.64 was awarded without a single voice being raised in protest at the public hearings held by the Commission. It may be recorded as a matter of interest that the first real encouragement which the movement for wage legislation received in Oregon was a unanimous resolution of endorsement by the Board of Governors of the Portland Commercial Club.

The question is sometimes asked: What will happen to the girls who cannot earn the legal minimum? It may be answered that the aged, crippled and defective workers receive special permits to work for less than the usual wage; and further that if a girl of average ability is unable after a year of apprenticeship to earn enough to pay for the mere necessities of life she is evidently a misfit in that occupation and in justice to herself as well as to her employer she

should seek another line of work. But there is another observation to be made in answer to the above question. There are no standards of earnings among women wage earners. In the words of the Massachusetts Commission on Minimum Wage Boards: "There is a common and widespread but erroneous view that an economic law by some mysterious process correlates earnings and wages. There is no such law; in fact, in many industries, the wages bear little or no relation to the value or even to the selling price of the worker's output. Wages among unorganized and lower grades of labor are mainly the result of tradition and slight competition." The investigation of that commission showed "that no principle nor tendency, either according to the size of the establishments, their location or the class of trade to which they cater, underlay the variation in wage scales. Every employer seemed to pay for his labor what he thought 'it was worth,' a mysterious term that no employer was able to elucidate." (Survey, November 9, 1912.) The most astonishing variation in wages for the same grade of work frequently exists between competing establishments in the same city. This fact, as has been pointed out by competent authorities, is the irrefutable reply to the common objection that wage regulation by states is impracticable because of the burden it would impose on local manufacturers who are confronted with interstate competition.

IX. THE CASE FOR A MINIMUM WAGE

A few words may be said at this point concerning the policy and principles^a which are found most effective in urging minimum wage legislation. There have been many states in which the connection between inadequate wages and immorality among women has been strongly emphasized. But it is interesting to note that in no state where this agitation has been carried on has the campaign for securing wage legislation been successful; and this for two reasons: First,

because it is a question whether inadequate wages are to any large degree a cause of women going into a life of immorality; and, second, because such an agitation is a gratuitous insult to the thousands of underpaid women workers whose cooperation and support is absolutely necessary if we are to succeed in arousing public opinion for this legislation. A more substantial argument is that underpaid women workers are denying themselves the necessities of life in order to lead lives of virtue. They are living on one or two meals a day, are denying themselves clothing necessary to maintain their health, and are huddled together in rooms devoid of light, ventilation and of heat. These are facts which investigation has revealed in every city in America, and they are facts of a character to create public sentiment of a permanent sort in favor of minimum wage legislation.

The reasons why women in industry are miserably underpaid, when unprotected by wage regulations, are sufficiently obvious. Women in industry are for the greater part very youthful. They have a marked sense of dependence upon men's judgment, and consequently lack the qualities which are requisite for successful individual wage bargaining. Most of them expect to be self-supporting only for a few years and this circumstance taken in connection with their youth and inexperience incapacitates them for sustained organization which is the essential condition for collective bargaining. Historically women entered industry to supplement the wages of their fathers, husbands and brothers. Conditions have changed and multitudes of women workers are now dependent on their own exertions for their own support, and in many cases for the support of dependent relatives. But the old theory that a woman's wage was merely supplemental to the family income has lingered on to the grave injury of thousands. Many employers and not a few others continue to rehearse the threadbare tales about women working for "pin-money"

and girls "living at home" not needing a living wage. A final relic and instrument of the "sweating" system is the requirement still found in the application blanks of some firms that girls shall keep their wages "confidential." Secrecy of wage schedules has been a prolific source of underpayment among women workers and "pitiless publicity" will be one of its chief correctives.

Just as the whole body of workers must be supported by the entire body of industries, so it is only right that in each industry the wages be sufficient to maintain the workers in health and frugal comfort. An industry which does not pay its employees enough to purchase the necessities of life is a parasite. It makes its profit not from legitimate commercial enterprise, but is subsidized by the workers, at least to the extent of the difference between what they get as a weekly wage and what it costs them a week to live. If any business is so necessary to the community that it must be maintained by a subsidy, in the name of decency and humanity let the subsidy come from the public treasury and not from the earnings of working women and the homes of the poor.

X. LABOR MORE THAN A COMMODITY

The consequences of such a judicial decision as that given by the Oregon Supreme Court cannot easily be over-estimated. It is writing into the fundamental law of the land a new view of labor, namely, that labor is not a mere commodity like corn or cotton. We have been told by reactionaries that the law of supply and demand must be left free to fix wages. Justice Higgins, whom I have already quoted, writes:

They treat this law as being in the matter of wages more inexorable and inevitable than even the law of gravitation, and not being subject as laws of nature are, to counteraction, to control, to direction. "One may dam up a river or even change its course, but one

cannot (it is said) raise wages above the level of its unregulated price, above the level of a sum which a man will accept rather than be starved."

To drag such theories as these into the light of the day, Justice Higgins considers a service to the community. I have listened to an eloquent lawyer pleading in one of our courts, that just as the price of hogs at the slaughter-house is regulated by the law of supply and demand, so likewise, the same law should be allowed freely to control the wages of our women workers upon whose physical strength and moral character depends the perpetuity of the race and the future of humanity.

The right to a living wage vindicated by this judicial decision is the right of a human being to develop his personality, to work out his spiritual destiny, to be what the word "human" implies. If a business cannot pay its rent and interest on borrowed capital, the burden is passed on to those who can. No sympathy is extended to a firm which fails because it can not meet the demands of the landlord or the money loaner; but because it is proposed to make a living wage a first cost on industry, great consternation is expressed at the business failures which are threatened as a result. It may reasonably be suggested that such a calamity may be averted by lowering the rent and the interest.

To a person who thinks that labor is merely a commodity, minimum wage legislation must indeed seem radical. In such a view the labor of women and men has no quality superior in kind to the labor of the beast yoked to the plow; and consequently wage-earners are on a parity with the beasts of burden, for their labor is their sole justification. This horrible and revolting doctrine cannot be repudiated by anyone who denies that the state can insist on "wages at least high enough to insure the worker normal living conditions, sufficient food and healthy housing." How much nobler was

the doctrine of the immortal Lincoln, who said: "To secure for each laborer the whole product of his labor, or as nearly as possible, is the worthy object of any government."

The real radicalism which threatens to injure industry is not that which vindicates to working women a right to a living wage, a right which is gladly recognized by most employers. The radicalism which industry should fear is the radicalism of unregulated greed, with its contemptible and picayunish policies, especially toward employees who are unorganized; greed, with its cry for dividends and its contempt for humanity.

**CODE OF RULINGS OF THE
INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON**

Adopted July 3, 1916

Effective from and after September 1, 1916

EDWIN V. O'HARA, Chairman
BERTHA MOORES AMEDEE M. SMITH
CAROLINE J. GLEASON, Secretary

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SECTION I—DEFINITIONS

1. A minor is any boy or girl under the age of eighteen years.

2. An "Apprentice" is a person employed for a continuous period for the purpose of learning the occupation in which she is employed so that she may fit herself to command the minimum wage of such occupation at the end of her apprenticeship.

3. "Experienced Woman" means a woman who has completed her apprenticeship. An experienced woman shall be considered to remain an experienced woman and entitled to the minimum wage as such, while in the same line of business with or without change of employers, but the Commission will take into consideration cases in which, by change of employers, or by lapse of time, between periods of employment, such experienced woman may have lost her standing as such, and may not be entitled to the minimum wage, and the Commission may, in its discretion and upon proper showing made, require such woman to work for such period and wage as it shall determine to be proper before she shall be reinstated as an experienced woman.

4. "Person" shall include person, firm, institution, corporation and association.

5. "Mercantile Occupation" shall include the work of those employed in establishments operated for the purpose of trade in the purchase or sale of any goods or merchandise, and includes the sales force, the wrapping employes, the auditing or check inspection force, the shoppers in the mail order department, the receiving, marking and stock room employes, sheet music saleswomen and pianists who are sheet music demonstrators.

6. "Manufacturing Occupation" shall include all processes in the production of commodities. Included in this term, is the work performed in dressmaking shops, and wholesale millinery houses, in the workrooms of retail millinery shops, and in the drapery and furniture covering workrooms, the garment alteration, art needle work, fur garment making, and millinery workrooms in mercantile stores, and the candy making department of retail candy stores, and of restaurants.

7. "Personal Service Occupation" shall include manicuring, hair-dressing, barbering and other work of like nature, and the work of ushers in theaters.

8. "Laundry Occupation"—A laundry is a place where clothes are washed or cleaned by any process, by any person, firm, institution, corporation or association, and laundry work shall include all the processes connected with the receiving, marking, washing, cleaning, ironing and distribution of washable and cleanable materials. The work performed in laundry departments in hotels and factories shall be considered as laundry work.

9. "Office Occupation" includes the work of those employed as stenographers, bookkeepers, typists, billing clerks, filing clerks, cashiers, checkers, invoicers, comptometer operators, auditors, attendants in physicians' and dentists' offices and all kinds of clerical work.

10. "Public Housekeeping Occupation" includes the work of waitresses in restaurants, hotel dining rooms, boarding houses, and all attendants employed at ice cream and light lunch stands and steam table or counter work in cafeterias and delicatessens where freshly cooked foods are served; and the work of chambermaids in hotels and lodging houses, and boarding houses, and the work of janitresses and car cleaners and of kitchen workers in hotels and restaurants. A retail

candy department which is conducted in connection with an ice cream, soft drink or light lunch counter, or with a restaurant, will be classified as a public housekeeping establishment.

11. "Telephone Occupation" includes the work of operators of switch boards in public and private exchanges.

12. No provision of this Code applies to agricultural labor, domestic service, teaching or nursing.

SECTION II—EMPLOYERS' RECORDS

Every person who employs women or minors shall keep a record containing the following information concerning each of such employees:

1. Name.
2. Address.
3. Age: Adult or Minor. (If a minor, give exact age.)
4. Single. Married.
5. Date of employment.
6. Wage at which employed.
7. Length of experience in present occupation.

References

I. W. C.
Order No. 6**SECTION III—MINORS**

1. No person shall employ any minor girl in any occupation in the State of Oregon more than nine hours in one day and in no case more than fifty hours in one week.

I. W. C.
Order No. 21

2. No person shall employ any minor boy in the State of Oregon for more than ten hours in any one day.

3. No person shall employ any minor boy or minor girl under sixteen years of age, in the State of Oregon, more than eight hours in any one day.

4. No person shall employ any minor girl or minor boy in the State of Oregon more than six days in one calendar week.

5. No person shall employ any minor girl for more than six hours of continuous labor between the hours of 7:00 a. m. and 6:00 p. m., without a rest period of at least forty-five minutes.

6. No person shall employ any minor girl in any occupation in the State of Oregon after the hour of 6:00 o'clock p. m. on any day.

7. No person shall employ any minor boy or minor girl between the ages of sixteen and eighteen years in

References any occupation in the State of Oregon at a weekly wage rate of less than \$6.00, except as arranged by the Commission in the case of apprentices.

SECTION IV—HOURS OF LABOR

I. W. C.
Orders Nos. 8
to 16, inc., 18
19 and 20

1. No person shall employ any woman in any occupation in the State of Oregon more than fifty-four hours in any one week except in fruit and vegetable canneries, where women may be employed for sixty hours a week.

2. No person shall employ any woman in the State of Oregon more than nine hours in any day except in offices, woolen mills and fruit and vegetable canning, packing, and preserving establishments, where women may be employed not to exceed ten hours in any one day.

I. W. C.
Order No. 17

3. No person shall employ any woman in any office establishment in the City of Portland for more than fifty-one hours in any one week.

I. W. C.
Order No. 7

4. No person shall employ any woman in a mercantile establishment in the City of Portland more than eight hours and twenty minutes in one day nor for more than fifty hours in one week.

SECTION V—REST PERIODS

I. W. C.
Orders Nos. 7
to 20, inc.

1. No person shall employ any woman in any occupation in the State of Oregon between 7:00 a. m. and 8:30 p. m. for more than six hours of continuous labor without a rest period of at least forty-five minutes.

I. W. C.
Orders Nos. 9,
10; 13, 14

2. No person shall employ any woman in the State of Oregon in any manufacturing or laundry establishment later than 8:30 o'clock p. m.

I. W. C.
Orders Nos.
7, 8

3. No person shall employ any woman in the City of Portland in a mercantile establishment, other than in a confectionery store or a cigar stand in a hotel, later than

6:00 o'clock p. m., nor in the State of Oregon, outside of the City of Portland, with the same exceptions, later than 8:30 o'clock p. m.

References

4. No person shall employ any woman or minor girl in the State of Oregon on two successive days without an interval of nine hours rest between such days.

I. W. C.
Order No. 23

5. No woman or minor girl in the State of Oregon who has been employed by one employer in any occupation in one day shall accept employment later in the same day from any other employer for more time than will make the combined hours of employment for such day exceed nine hours.

I. W. C.
Order No. 23

6. No person shall employ any woman in the State of Oregon in any occupation, except in telegraph and public housekeeping establishments, and except in telephone establishments, outside of the City of Portland, more than six days in any one calendar week; in telephone establishments, outside of the City of Portland, no person shall employ any woman for more than fourteen consecutive days without one full day of rest and one day of not more than six hours of labor.

I. W. C.
Orders Nos. 7
to 18, inc.

7. No person shall employ any woman in any telegraph establishment in the State of Oregon for seven consecutive days without allowing one day during which the hours of employment shall not exceed six hours.

I. W. C.
Orders Nos. 15
and 16

SECTION VI—WAGES

1. No person shall employ any experienced woman paid by time rates of payment in any occupation in the State of Oregon, outside of the City of Portland, at a weekly wage rate of less than \$8.25.

I. W. C.
Orders Nos. 8,
10, 12, 14, 16,
18 and 20

2. No person shall employ any experienced woman, paid by time rates of payment, in any occupation, in the City of Portland, at a weekly wage rate of less than \$8.64.

I. W. C.
Orders Nos. 9,
11, 13, 15
and 19

References

I. W. C.
Order No. 7

3. No person shall employ any experienced woman in any mercantile establishment in the City of Portland at a weekly wage rate of less than \$9.25.

I. W. C.
Order No. 17

4. No person shall employ any experienced woman in the City of Portland in any office at a monthly wage rate of less than \$40.00.

I. W. C.
Orders Nos. 9,
10; 13, 14

5. The average weekly wage rate for all women employed at piece rates in any manufacturing or laundry establishment in the State of Oregon, outside of the City of Portland, shall be not less than \$8.25, and in the City of Portland, not less than \$8.64, and at least seventy-five per cent of such employes shall be paid not less than said minimum wage, and not more than twenty-five per cent of such employes shall be paid less than said minimum wage; *provided, moreover*, that after any woman or girl has been employed at prevailing piece rates for three weeks, she shall then be paid not less than \$6.00 a week, even if the amount earned at piece rates be less than that sum. In determining such average wage a period of not less than sixty days shall be taken as a basis.

I. W. C.
Orders Nos. 19
and 20

6. When lodging and board, or either of them, is furnished by any employer to any woman or minor girl employed in any occupation, as part payment of the wages of such woman or minor girl, not more than \$1.40 per week for lodging and not more than \$2.80 per week for board shall be deducted by such employer from the **weekly wage of such woman or minor girl**. Board shall be considered to be twenty-one meals in each week. A fraction of a week's lodging or board shall be computed upon the above basis.

SECTION VII—APPRENTICESHIP

I. W. C.
Orders Nos. 7
to 14, inc.;
17 to 20, inc.

1. The maximum length of the apprenticeship term for women workers paid by time rates of payment in all

occupations shall be one year. This term, except in telephone establishments, shall be divided into three equal periods of four months each. No person shall employ any woman in any occupation, except the telephone occupation, for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

References

The apprenticeship term for telephone establishments shall be divided into four equal periods of three months each. No person shall employ any woman in any telephone establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$6.60; nor for the third period at a weekly wage rate of less than \$7.20; nor for the fourth period at a weekly wage rate of less than \$7.80.

I. W. C.
Orders Nos. 15
and 16

2. Any woman employed at piece rates in manufacturing and laundry establishments may be employed for three weeks at the prevailing piece rates, after which time she shall be paid not less than \$6.00 per week, even if the amount earned at piece rates be less than that sum. (See Code, Section VI, above.)

I. W. C.
Orders Nos. 9,
10; 13, 14

3. In occupations where a charge is made for teaching, the minimum wage for apprentices shall be paid over and above such charge and a deduction of the teaching fee from the minimum wage required for the learner, shall be a violation of the wage order governing such occupation; *provided, however*, that the Industrial Welfare Commission will grant a permit upon application to employers in towns where no vocational training school is conducted, whereby the employer may deduct from the minimum wage for apprentices, a charge for instruction

I. W. C.
Order No. 23

References

in the shop for a specified time, which charge must be satisfactory to the apprentice, and must be approved by the Commission.

SECTION VIII—EMERGENCY OVERTIME

I. W. C.
Order No. 23

1. In case of business emergency, the Commission, upon application and showing made to it will issue a special license, governing the emergency in question, for the employment of adult women beyond the regular legal hours, on condition of the payment of overtime at the rate of time and a half on the basis of the worker's salary.

2. Any person who is granted such emergency overtime license, shall furnish the Commission on or before the fifth day of the following month, a written statement of the daily time, the regular rate and the overtime wage of each woman who has worked overtime in the preceding month, together with the name and address of each such employe, and said statement shall be verified by the person who has been granted said emergency overtime license or by some person in his behalf who has knowledge of the facts.

SECTION IX—SANITATION

I. W. C.
Order No. 22

No person, subject to Chapter 62, of the Laws of 1913, shall employ, or permit any woman or minor, to work in any occupation in the State of Oregon in which the conditions are below the following standards:

1. *Cleanliness*—Every room and the floors, walls, ceilings, windows, and every other part thereof, and all fixtures therein, shall, at all times, be kept in a clean and sanitary condition.

2. *Drinking Water*—A sufficient quantity of drinking water, within reasonable access to all workers, shall be provided, with sanitary appliances for drinking. A common drinking cup shall not be used.

3. *Lighting*—All rooms shall be properly and adequately lighted during working hours. Artificial illumination in every workroom shall be installed, arranged and used, so that the light furnished will, at all times, be sufficient and adequate for the work carried on therein, and prevent unnecessary strain on the vision, or glare on the eyes of the worker.

4. *Ventilation*—The ventilation of each room shall be adequate, and there shall be sufficient provision for preventing excessive humidity, and an amount of cubic air space necessary to health must be allowed for each employe.

5. *Toilet Rooms*—In every establishment there shall be provided suitable and convenient toilets separate from those used by the opposite sex, and the number of such toilets shall be not less than one to every twenty women or minors employed at one time or majority fraction thereof. Such toilets must be thoroughly ventilated and open to the outside air, and such toilets must, at all times, be kept in a clean and sanitary condition.

6. *Washrooms*—Washroom accommodations, separate and apart from those used by male persons, must be provided, and individual towels, either cloth or paper, must be furnished. The washing facilities must be adequate, and the washrooms must be kept in a clean and sanitary condition.

7. *Dressing Rooms*—A suitable space, effectively screened, must be provided for women to change their street clothes for working clothes and where practicable, individual lockers should be provided.

8. *Tables, Benches, and Chairs*—Tables and benches, so constructed as to give the greatest possible comfort and convenience to women and minor employes, consider-

ing the requirements of the work upon which they are employed, must be provided, and convenient and comfortable seats must also be furnished where the nature of the work is such that employes may sit while working.

9. *Expectoration*—Signs must be placed in all rooms forbidding expectoration on the walls or floors, and suitable and sanitary receptacles must be provided for this purpose. These receptacles must be cleaned daily.

10. Where there are less than four women employed by any person, the Industrial Welfare Commission may, upon application and showing, release such applicant from compliance with the foregoing regulations or any part of same.

Table of Orders of the Industrial Welfare Commission of the State of Oregon

Effective from and after September 1, 1916

- Order No. 6—Employers' Records.
- Order No. 7—Portland; Mercantile Occupation.
- Order No. 8—State-at-Large; Mercantile Occupation.
- Order No. 9—Portland; Manufacturing Occupation.
- Order No. 10—State-at-Large; Manufacturing Occupation.
- Order No. 11—Portland; Personal Service Occupation.
- Order No. 12—State-at-Large; Personal Service Occupation.
- Order No. 13—Portland; Laundry Occupation.
- Order No. 14—State-at-Large; Laundry Occupation.
- Order No. 15—Portland; Telephone and Telegraph Occupation.
- Order No. 16—State-at-Large; Telephone and Telegraph Occupation.
- Order No. 17—Portland; Office Occupation.
- Order No. 18—State-at-Large; Office Occupation.
- Order No. 19—Portland; Public Housekeeping Occupation.
- Order No. 20—State-at-Large; Public Housekeeping Occupation.
- Order No. 21—Minors.
- Order No. 22—Sanitary Code.
- Order No. 23—Special Regulations.

N. B.—Orders Nos. 1 to 5, inclusive, are rescinded from and after September 1, 1916.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 6
EMPLOYERS' RECORDS

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

Every person who employs women or minors shall keep a record containing the following information concerning each of such employees:

1. Name.
2. Address.
3. Age: Adult. Minor (If a minor, give exact age.)
4. Single. Married.
5. Date of employment.
6. Wage at which employed.
7. Length of experience in present occupation.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

INDUSTRIAL WELFARE COMMISSION ORDER NO. 7
PORTLAND—MERCANTILE OCCUPATION

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the City of Portland in any mercantile establishment for more than eight hours and twenty minutes in any one day nor for more than fifty hours in any one week.

2. No person shall employ any experienced woman in the City of Portland in any mercantile establishment at a weekly wage rate of less than \$9.25.

3. The length of the apprenticeship term for women workers in mercantile establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any mercantile establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. No person shall employ any woman in the City of Portland in a mercantile establishment for more than six days in one calendar week.

5. No person shall employ any woman in any mercantile establishment for more than six hours of continuous labor without a rest period of at least 45 minutes.

6. No person shall employ any woman in the City of Portland in a mercantile establishment, other than cigar stands in hotels and confectionery stores, later than 6:00 o'clock p. m.

"Mercantile Occupation" shall include the work of those employed in establishments operated for the purpose of trade in the purchase or sale of any goods or merchandise, and includes the sales force, the wrapping employes, the auditing or check inspection force, the shoppers in the mail order department, the receiving, marking and stock room employes, sheet music saleswomen, and pianists who are sheet music demonstrators.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 8**STATE-AT-LARGE—MERCANTILE OCCUPATION**

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the State of Oregon, outside of the City of Portland, in any mercantile establishment for more than nine hours in any one day, nor for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the State of Oregon, outside of the City of Portland, in any mercantile establishment at a weekly wage rate of less than \$8.25.

3. The length of the apprenticeship term for women workers in mercantile establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any mercantile establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. No person shall employ any woman in the State of Oregon in a mercantile establishment for more than six days in one calendar week.

5. No person shall employ any woman in any mercantile establishment for more than six hours of continuous labor without a rest period of at least 45 minutes.

6. No person shall employ any woman in the State of Oregon, outside of the City of Portland, in a mercantile establishment other than cigar stands in hotels and confectionery stores, later than 8:30 o'clock p. m.

"Mercantile Occupation" shall include the work of those employed in establishments operated for the purpose of trade in the purchase or sale of any goods or merchandise, and includes the sales force, the wrapping employes, the auditing or check inspection force, the shoppers in the mail order department, the receiving, marking and stock room employes, sheet music saleswomen, and pianists who are sheet music demonstrators.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

**INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON**

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDES M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 9
PORTLAND—MANUFACTURING OCCUPATION

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the City of Portland in any manufacturing establishment, except in a woolen mill, for more than nine hours in any one day. No person shall employ any woman in any manufacturing establishment in the City of Portland for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the City of Portland in any manufacturing establishment at time rates of payment, at a weekly wage rate of less than \$8.64.

3. The length of the apprenticeship term for women workers paid by time rates of payment in manufacturing establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any manufacturing establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. The average weekly wage rate for all women employed at piece rates in any manufacturing establishment in the City of Portland shall be not less than \$8.64, and at least seventy-five per cent (75%) of such employes shall be paid at not less than said minimum wage rate and not more than twenty-five per cent (25%) of such employes shall be paid at a weekly wage rate of less than \$8.64; *provided, moreover*, that after any woman or girl has been employed at prevailing piece rates for three weeks she shall then be paid not less than \$6.00 per week, even if the amount earned at piece rates be less than that sum. In determining such average wage, a period of not less than sixty days shall be taken as a basis.

5. No person shall employ any woman in the City of Portland in any manufacturing establishment for more than six days in one calendar week.

6. No person shall employ any woman in any manufacturing establishment for more than six hours of continuous labor without a rest period of at least 45 minutes.

7. No person shall employ any woman in the City of Portland in any manufacturing establishment later than 8:30 o'clock p. m.

"Manufacturing Occupation" shall include all processes in the production of commodities. Included in this term, is the work performed in dressmaking shops, and wholesale millinery houses, in the workrooms of retail millinery shops, and in the drapery and furniture-covering workrooms, the garment alteration, art needle work, fur garment making, and millinery workrooms in mercantile stores, and the candy making department of retail candy stores, and of restaurants. Fruit and vegetable drying, canning, preserving and packing establishments are excluded from the above Order.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 10**STATE-AT-LARGE—MANUFACTURING OCCUPATION**

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the State of Oregon in any manufacturing establishment, except in a woolen mill, for more than nine hours in any one day. No person shall employ any woman in any manufacturing establishment in the State of Oregon for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the State of Oregon, outside of the City of Portland, in any manufacturing establishment at time rates of payment, at a weekly wage rate of less than \$8.25.

3. The length of the apprenticeship term for women workers paid by time rates of payment in manufacturing establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any manufacturing establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. The average weekly wage rate for all women employed at piece rates in any manufacturing establishment in the State of Oregon, outside of the City of Portland, shall be not less than \$8.25, and at least seventy-five per cent (75%) of such employes shall be paid at not less than said minimum wage rate and not more than twenty-five per cent (25%) of such employes shall be paid at a weekly wage rate of less than \$8.25; *provided, moreover*, that after any woman or girl has been employed at prevailing piece rates for three weeks she shall then be paid not less than \$6.00 per week, even if the amount earned at piece rates be less than that sum. In determining such average wage, a period of not less than sixty days shall be taken as a basis.

5. No person shall employ any woman in the State of Oregon in any manufacturing establishment for more than six days in one calendar week.

6. No person shall employ any woman in any manufacturing establishment for more than six hours of continuous labor without a rest period of at least 45 minutes.

7. No person shall employ any woman in the State of Oregon in any manufacturing establishment later than 8:30 o'clock p. m.

"Manufacturing Occupation" shall include all processes in the production of commodities. Included in this term, is the work performed in dressmaking shops, and wholesale millinery houses, in the workrooms of retail millinery shops, and in the drapery and furniture-covering workrooms, the garment alteration, art needle work, fur garment making, and millinery workrooms in mercantile stores, and the candy making department of retail candy stores, and of restaurants. Fruit and vegetable drying, canning, preserving and packing establishments are excluded from the above Order.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

**INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON**

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 11

PORTLAND—PERSONAL SERVICE OCCUPATION

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the City of Portland in any personal service establishment more than nine hours in any one day nor for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the City of Portland in any personal service establishment at a weekly wage rate of less than \$8.64.

3. The length of the apprenticeship term for women workers in personal service establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any personal service establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. No person shall employ any woman in the City of Portland in any personal service establishment for more than six days in one calendar week.

5. No person shall employ any woman in any personal service establishment for more than six hours of continuous labor between the hours of 7:00 a. m. and 8:30 p. m., without a rest period of at least 45 minutes.

"Personal Service Occupation" shall include manicuring, hair-dressing, barbering and other work of like nature, and the work of ushers in theaters.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 12**STATE-AT-LARGE—PERSONAL SERVICE OCCUPATION**

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the State of Oregon, outside of the City of Portland, in any personal service establishment for more than nine hours in any one day nor for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the State of Oregon, outside of the City of Portland, in any personal service establishment at a weekly wage rate of less than \$8.25.

3. The length of the apprenticeship term for women workers in personal service establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any personal service establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. No person shall employ any woman in the State of Oregon in any personal service establishment for more than six days in one calendar week.

5. No person shall employ any woman in any personal service establishment for more than six hours of continuous labor between the hours of 7:00 a. m. and 8:30 p. m., without a rest period of at least 45 minutes.

"Personal Service Occupation" shall include manicuring, hair-dressing, barbering and other work of like nature, and the work of ushers in theaters.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

**INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON**

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMDEEN M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 13
PORTLAND—LAUNDRY OCCUPATION

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the City of Portland, in any laundry establishment for more than nine hours in any one day nor for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the City of Portland in any laundry establishment at time rates of payment, at a weekly wage rate of less than \$8.64.

3. The length of the apprenticeship term for women workers paid by time rates of payment in laundry establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any laundry establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. The average weekly wage rate for all women employed at piece rates in any laundry establishment in the City of Portland, shall be not less than \$8.64, and at least seventy-five per cent (75%) of such employes shall be paid at not less than said minimum wage rate and not more than twenty-five per cent (25%) of such employes shall be paid at a weekly wage rate of less than \$8.64; *provided, moreover*, that after any woman or girl has been employed at prevailing piece rates for three weeks, she shall then be paid not less than \$6.00 per week, even if the amount earned at piece rates be less than that sum. In determining such average wage, a period of not less than sixty days shall be taken as a basis.

5. No person shall employ any woman in the City of Portland in any laundry establishment for more than six days in one calendar week.

6. No person shall employ any woman in any laundry establishment for more than six hours of continuous labor without a rest period of at least 45 minutes.

7. No person shall employ any woman in the City of Portland in any laundry establishment later than 8:30 o'clock p. m.

A laundry is a place where clothes are washed or cleaned by any process, by any person, firm, institution, corporation, or association, and laundry work shall include all the processes connected with the receiving, marking, washing, cleaning and ironing and distribution of washable and cleanable materials. The work performed in laundry departments in hotels and factories shall be considered as laundry work.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 14

STATE-AT-LARGE—LAUNDRY OCCUPATION

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the State of Oregon, in any laundry establishment, for more than nine hours in any one day nor for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the State of Oregon, outside of the City of Portland, in any laundry establishment at time rates of payment, at a weekly wage rate of less than \$8.25.

3. The length of the apprenticeship term for women workers paid by time rates of payment in laundry establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any laundry establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. The average weekly wage rate for all women employed at piece rates in any laundry establishment in the State of Oregon, outside of the City of Portland, shall be not less than \$8.25, and at least seventy-five per cent (75%) of such employees shall be paid at not less than said minimum wage rate and not more than twenty-five per cent (25%) of such employees shall be paid at a weekly wage rate of less than \$8.25; *provided, moreover*, that after any woman or girl has been employed at prevailing piece rates for three weeks, she shall then be paid not less than \$6.00 per week, even if the amount earned at piece rates be less than that sum. In determining such average wage, a period of not less than sixty days shall be taken as a basis.

5. No person shall employ any woman in the State of Oregon in any laundry establishment for more than six days in one calendar week.

6. No person shall employ any woman in any laundry establishment for more than six hours of continuous labor without a rest period of at least 45 minutes.

7. No person shall employ any woman in the State of Oregon in a laundry establishment later than 8:30 o'clock p. m.

A laundry is a place where clothes are washed or cleaned by any process, by any person, firm, institution, corporation, or association, and laundry work shall include all the processes connected with the receiving, marking, washing, cleaning and ironing and distribution of washable and cleanable materials. The work performed in laundry departments in hotels and factories shall be considered as laundry work.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 15
PORTLAND—TELEPHONE AND TELEGRAPH OCCUPATION

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the City of Portland in any telephone or telegraph establishment for more than nine hours in any one day nor for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the City of Portland in any telephone or telegraph establishment at a weekly wage rate of less than \$8.64.

3. The maximum length of the apprenticeship term for women workers in telephone or telegraph establishments shall be one year.

The apprenticeship term for telephone establishments shall be divided into four equal periods of three months each. No person shall employ any woman in any telephone establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$6.60; nor for the third period at a weekly wage rate of less than \$7.20; nor for the fourth period at a weekly wage rate of less than \$7.80.

The apprenticeship term for telegraph establishments shall be divided into three equal periods of four months each. No person shall employ any woman in any telegraph establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. No person shall employ any woman in the City of Portland in any telephone establishment for more than six days in one calendar week.

5. No person shall employ any woman in any telegraph establishment in the City of Portland for seven consecutive days without allowing one day during which the hours of employment shall not exceed six hours.

6. No person shall employ any woman in any telephone or telegraph establishment for more than six hours of continuous labor between the hours of 7:00 a. m. and 8:30 p. m., without a rest period of at least 45 minutes.

7. Upon application and showing, the Commission may, upon such terms as it deems proper, release any applicant, employing less than ten operators, from compliance with rule number four.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 16**STATE-AT-LARGE—TELEPHONE AND TELEGRAPH OCCUPATION**

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the State of Oregon in any telephone or telegraph establishment for more than nine hours in any one day nor for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the State of Oregon, outside of the City of Portland, in any telephone or telegraph establishment at a weekly wage rate of less than \$8.25.

3. The maximum length of the apprenticeship term for women workers in telephone or telegraph establishments shall be one year.

The apprenticeship term for telephone establishments shall be divided into four equal periods of three months each. No person shall employ any woman in any telephone establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$6.60; nor for the third period at a weekly wage rate of less than \$7.20; nor for the fourth period at a weekly wage rate of less than \$7.80.

The apprenticeship term for telegraph establishments shall be divided into three equal periods of four months each. No person shall employ any woman in any telegraph establishment for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. No person shall employ any woman in the State of Oregon, outside of the City of Portland, in any telephone establishment for 14 consecutive days without one full day of rest and one day of not more than six hours work.

5. No person shall employ any woman in any telegraph establishment in the State of Oregon for seven consecutive days without allowing one day during which the hours of employment shall not exceed six hours.

6. No person shall employ any woman in any telephone or telegraph establishment for more than six hours of continuous labor between the hours of 7:00 a. m. and 8:30 p. m., without a rest period of at least 45 minutes.

Upon application and showing, the Commission may, upon such terms as it deems proper, release any applicant, employing less than ten operators, from compliance with rule number four.

Any rural telephone establishment of limited service which does not demand the uninterrupted attention of an operator, may obtain, upon application and showing before the Commission, a special license for the employment of operators for wages and daily hours different from those required by the above Order; such wages and hours must be satisfactory to the employe as well as to the employer and be approved by the Commission.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

**INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON**

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 17
PORTLAND—OFFICE OCCUPATION

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the City of Portland in any office for more than 51 hours in any one week.

2. No person shall employ any experienced woman in the City of Portland in any office at a monthly wage rate of less than \$40.00.

3. The maximum length of the apprenticeship term for women workers in offices shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any office for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. No person shall employ any woman in any office in the City of Portland for more than six days in one calendar week.

5. No person shall employ any woman in any office for more than six hours of continuous labor between the hours of 7:00 a. m. and 8:30 p. m., without a rest period of at least 45 minutes.

"Office Occupation" includes the work of those employed as stenographers, bookkeepers, typists, billing clerks, filing clerks, cashiers, checkers, invoicers, comptometer operators, auditors, attendants in physicians' and dentists' offices and all kinds of clerical work.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 18**STATE-AT-LARGE—OFFICE OCCUPATION**

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the State of Oregon, outside of the City of Portland, in any office for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the State of Oregon, outside of the City of Portland, in any office at a weekly wage rate of less than \$8.25.

3. The maximum length of the apprenticeship term for women workers in offices shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any office for the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. No person shall employ any woman in any office in the State of Oregon for more than six days in one calendar week.

5. No person shall employ any woman in any office for more than six hours of continuous labor between the hours of 7:00 a. m. and 8:30 p. m., without a rest period of at least 45 minutes.

"Office Occupation" includes the work of those employed as stenographers, bookkeepers, typists, billing clerks, filing clerks, cashiers, checkers, invoicers, comptometer operators, auditors, attendants in physicians' and dentists' offices and all kinds of clerical work.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

**INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON**

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 19
PORTLAND—PUBLIC HOUSEKEEPING OCCUPATION

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the City of Portland in any public housekeeping establishment for more than nine hours in any one day, nor for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the City of Portland, in any public housekeeping establishment at a weekly wage rate of less than \$8.64.

3. The maximum length of the apprenticeship term for women workers in public housekeeping establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any public housekeeping establishment during the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. No person shall employ any woman in any public housekeeping establishment for more than six hours of continuous labor between the hours of 7:00 a. m. and 8:30 p. m., without a rest period of at least 45 minutes.

5. When lodging and board, or either of them is furnished by any employer to any woman or minor girl employed in any occupation as part payment of the wages of such woman or minor girl, not more than \$1.40 per week for lodging and not more than \$2.80 per week for board shall be deducted by such employer from the weekly wage of such woman or minor girl. Board shall be considered to be 21 meals in each week. A fraction of a week's lodging or board shall be computed upon the above basis.

"Public Housekeeping Occupation" includes the work of waitresses in restaurants, hotel dining rooms, boarding houses, and all attendants employed at ice cream and light lunch stands and steam table or counter work in cafeterias and delicatessens where freshly cooked foods are served; and the work of chambermaids in hotels and lodging houses, and boarding houses and the work of janitresses and car cleaners and of kitchen workers in hotels and restaurants.

A retail candy department, which is conducted in connection with an ice cream, soft drink or light lunch counter, or with a restaurant, will be classified as a public housekeeping establishment.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 20**STATE-AT-LARGE—PUBLIC HOUSEKEEPING OCCUPATION**

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman in the State of Oregon in any public housekeeping establishment for more than nine hours in any one day, nor for more than 54 hours in any one week.

2. No person shall employ any experienced woman in the State of Oregon, outside of the City of Portland, in any public housekeeping establishment, at a weekly wage rate of less than \$8.25.

3. The maximum length of the apprenticeship term for women workers in public housekeeping establishments shall be one year, and such apprenticeship term shall be divided into three equal periods of four months each. No person shall employ any woman in any public housekeeping establishment during the first period at a weekly wage rate of less than \$6.00; nor for the second period at a weekly wage rate of less than \$7.00; nor for the third period at a weekly wage rate of less than \$8.00.

4. No person shall employ any woman in any public housekeeping establishment for more than six hours of continuous labor between the hours of 7:00 a. m. and 8:30 p. m., without a rest period of at least 45 minutes.

5. When lodging and board, or either of them is furnished by any employer to any woman or minor girl employed in any occupation as part payment of the wages of such woman or minor girl, not more than \$1.40 per week for lodging and not more than \$2.80 per week for board shall be deducted by such employer from the weekly wage of such woman or minor girl. Board shall be considered to be 21 meals in each week. A fraction of a week's lodging or board shall be computed upon the above basis.

"Public Housekeeping Occupation" includes the work of waitresses in restaurants, hotel dining rooms, boarding houses, and all attendants employed at ice cream and light lunch stands and steam table or counter work in cafeterias and delicatessens where freshly cooked foods are served; and the work of chambermaids in hotels and lodging houses, and boarding houses and the work of janitresses and car cleaners and of kitchen workers in hotels and restaurants.

A retail candy department, which is conducted in connection with an ice cream, soft drink or light lunch counter, or with a restaurant, will be classified as a public housekeeping establishment.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

**INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON**

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 21

MINORS

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any minor girl in any occupation in the State of Oregon more than nine hours in one day and in no case more than fifty hours in one week.
2. No person shall employ any minor boy in the State of Oregon for more than ten hours in any one day.
3. No person shall employ any minor boy or minor girl under sixteen years of age, in the State of Oregon, more than eight hours in any one day.
4. No person shall employ any minor girl or minor boy in the State of Oregon more than six days in one calendar week.
5. No person shall employ any minor girl for more than six hours of continuous labor between the hours of 7:00 a. m. and 6:00 p. m., without a rest period of at least 45 minutes.
6. No person shall employ any minor girl in any occupation in the State of Oregon after the hour of 6:00 o'clock p. m., on any day.
7. No person shall employ any minor boy or minor girl, between the ages of 16 and 18 years, in any occupation in the State of Oregon at a weekly wage rate of less than \$6.00, except as otherwise arranged by the Commission in the case of apprentices.

Said Order shall become effective from and after September 1, 1916; and from and after said date Orders No. 1 to No. 5, inclusive, are rescinded.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDES M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 22

SANITARY CODE

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

No person, subject to Chapter 62, of the Laws of 1913, shall employ, or permit any woman or minor, to work in any occupation in the State of Oregon in which the conditions do not conform to the following standards:

1. *Cleanliness*—Every room and the floors, walls, ceilings, windows, and every other part thereof, and all fixtures therein, shall, at all times, be kept in a clean and sanitary condition.

2. *Drinking Water*—A sufficient quantity of drinking water, within reasonable access to all workers, shall be provided, with sanitary appliances for drinking. A common drinking cup shall not be used.

3. *Lighting*—All rooms shall be properly and adequately lighted during working hours. Artificial illumination in every workroom shall be installed, arranged and used, so that the light furnished will, at all times, be sufficient and adequate for the work carried on therein, and prevent unnecessary strain on the vision, or glare on the eyes of the worker.

4. *Ventilation*—The ventilation of each room shall be adequate, and there shall be sufficient provision for preventing excessive humidity, and an amount of cubic air space necessary to health must be allowed for each employee.

5. *Toilet Rooms*—In every establishment there shall be provided suitable and convenient toilets separate from those used by the opposite sex, and the number of such toilets shall be not less than one to every twenty women or minors employed at one time or majority fraction thereof. Such toilets must be thoroughly ventilated and open to the outside air, and such toilets must, at all times, be kept in a clean and sanitary condition.

6. *Washrooms*—Washroom accommodations, separate and apart from those used by male persons, must be provided, and individual towels, either cloth or paper, must be furnished. The washing facilities must be adequate, and the washrooms must be kept in a clean and sanitary condition.

7. *Dressing Rooms*—A suitable space, effectively screened, must be provided for women to change their street clothes for working clothes and where practicable, individual lockers should be provided.

8. *Tables, Benches, and Chairs*—Table and benches, so constructed as to give the greatest possible comfort and convenience to women and minor employees, considering the requirements of the work upon which they are employed, must be provided, and convenient and comfortable seats must also be furnished where the nature of the work is such that employees may sit while working.

9. *Expectoration*—Signs must be placed in all rooms forbidding expectoration on the walls or floor, and suitable and sanitary receptacles must be provided for this purpose. These receptacles must be cleaned daily.

10. Where there are less than four women employed by any person, the Industrial Welfare Commission may, upon application and showing, release such applicant from compliance with the foregoing regulations or any part of same.

Said Order shall become effective from and after September 1, 1916.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

Notice: Your attention is respectfully called to Section 9 of Chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this Order shall keep a copy posted in a conspicuous place in each room in his establishment in which women work.

INDUSTRIAL WELFARE COMMISSION ORDER NO. 23
SPECIAL REGULATIONS

Portland, Oregon, July 3, 1916.

Gentlemen:

Take Notice:—That pursuant to the authority in it vested by the General Laws of the State of Oregon (Laws 1913, Chapter 62, Pages 92-99), and in accordance with the determination by it today duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No person shall employ any woman or minor girl in the State of Oregon on two successive days without an interval of nine hours rest between such days.

2. No woman or minor girl in the State of Oregon who has been employed by one employer in any occupation in one day shall accept employment later in the same day from any other employer for more time than will make the combined hours of employment for such day exceed nine hours.

3. In occupations where a charge is made for teaching, the minimum wage for apprentices shall be paid over and above such charge, and a deduction of the teaching fee from the minimum wage required for the learner, shall be a violation of the wage order governing such occupation; *provided, however*, that the Industrial Welfare Commission will grant a permit upon application to employers in towns where no vocational training school is conducted, whereby the employer may deduct from the minimum wage for apprentices, a charge for instruction in the shop for a specified time, which charge must be satisfactory to the apprentice, and must be approved by the Commission.

4. (a) In case of business emergency the Commission, upon application and showing made to it, will issue a special license, governing the emergency in question, for the employment of adult women beyond the regular legal hours, on condition of the payment of overtime at the rate of time and a half on the basis of the worker's salary.

(b) Any person who is granted such emergency overtime license, shall furnish the Commission on or before the fifth day of the following month, a written statement of the daily time, the regular rate and the overtime wage of each woman who has worked overtime in the preceding month, together with the name and address of each such employe, and said statement shall be verified by the person who has been granted said emergency overtime license, or by some person in his behalf who has knowledge of the facts.

Said Order shall become effective from and after September 1, 1916.

After such Order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said Order shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

INDUSTRIAL WELFARE COMMISSION
OF THE STATE OF OREGON

Attest: CAROLINE J. GLEASON, Secretary

EDWIN V. O'HARA, Chairman
BERTHA MOORES
AMEDEE M. SMITH

**Text of Act Creating the Industrial Welfare Commission of the State of Oregon—S. B. 77, Introduced
by Senator Dan J. Malarkey**

Chapter 62, General Laws of Oregon for 1915

AN ACT

To protect the lives and health and morals of women and minor workers, and to establish an Industrial Welfare Commission and define its powers and duties, and to provide for the fixing of minimum wages and maximum hours and standard conditions of labor for such workers, and to provide penalties for violation of this Act.

WHEREAS, The welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect; therefore,

Be it enacted by the People of the State of Oregon:

Section 1. It shall be unlawful to employ women or minors in any occupation within the State of Oregon for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State of Oregon under such surroundings or conditions—sanitary or otherwise—as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages.

Section 2. There is hereby created a commission composed of three commissioners, which shall be known as the “Industrial Welfare Commission”; and the word “Commission” as hereinafter used refers to and means said “Industrial Welfare Commission”; and the word “Commissioner” as hereinafter

used refers to and means a member of said "Industrial Welfare Commission." Said Commissioners shall be appointed by the Governor. The Governor shall make his first appointments hereunder within thirty days after this bill becomes a law; and of the three Commissioners first appointed, one shall hold office until January 1, 1914, and another shall hold office until January 1, 1915, and the third shall hold office until January 1, 1916; and the Governor shall designate the terms of each of said three first appointees. On or before the first day of January of each year, beginning with the year 1914, the Governor shall appoint a Commissioner to succeed the Commissioner whose term expires on said first day of January; and such new appointee shall hold office for the term of three years from said first day of January. Each Commissioner shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of said Commission shall be filled by appointment by the Governor for the unexpired portion of the term in which such vacancy occurs. A majority of said Commissioners shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of said Commission; and no vacancy shall impair the right of the remaining Commissioners to exercise all the powers of said Commission. The Governor shall, so far as practicable, so select and appoint said Commissioners—both the original appointments and all subsequent appointments—that at all times one of said Commissioners shall represent the interests of the employing class and one of said Commissioners shall represent the interests of the employed class and the third of said Commissioners shall be one who will be fair and impartial between employers and employes and work for the best interests of the public as a whole.

Section 3. The first Commissioners appointed under this Act shall, within twenty days after their appointment, meet

and organize said Commission by electing one of their number as chairman thereof and by choosing a secretary of said Commission; and by or before the tenth day of January of each year, beginning with the year 1914, said Commissioners shall elect a chairman and choose a secretary for the coming year. Each such chairman and each such secretary shall hold his or her position until his or her successor is elected or chosen; but said Commission may at any time remove any secretary chosen hereunder. Said secretary shall not be a Commissioner; and said secretary shall perform such duties as may be prescribed and receive such salary as may be fixed by said Commission. None of said Commissioners shall receive any salary as such. All authorized and necessary expenses of said Commission and all authorized and necessary expenditures incurred by said Commission shall be audited and paid as other State expenses and expenditures are audited and paid.

Section 4. Said Commission is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (a) Standards of hours of employment for women or for minors and what are unreasonably long hours for women or for minors in any occupation within the State of Oregon; (b) Standards of conditions of labor for women or for minors in any occupation within the State of Oregon and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women or of minors in any such occupation; (c) Standards of minimum wages for women in any occupation within the State of Oregon and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health; and (d) Standards of minimum wages for minors in any occupation within the State of Oregon and what wages are unreasonably low for any such minor workers.

Section 5. Said Commission shall have full power and authority to investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in the different occupations in which they are employed in the State of Oregon; and said Commission shall have full power and authority, either through any authorized representative or any Commissioner to inspect and examine any and all books and payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of wages or hours of labor or conditions of labor of any such women workers or minor workers in any of said occupations and to require from any such employer full and true statements of the wages paid to and the hours of labor of and the conditions of labor of all women and minors in his employment.

Section 6. Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any Commissioner or any authorized representative of said Commission to inspect and examine such register. The word "minor," as used in this Act, refers to and means any person of either sex under the age of eighteen years; and the word "women," as used in this Act, refers to and means a female person of or over the age of eighteen years.

Section 7. Said Commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said Commission may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this Act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said Commission shall have power to subpoena and compel the attendance of any witness at any such public hearing or at any session of any conference called

and held as hereinafter provided; and any Commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpoenaed by said Commission shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the Circuit Court of Multnomah County.

Section 8. If, after investigation, said Commission is of opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health, said Commission may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said Commission and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employes in said occupation and of not more than three disinterested persons representing the public and of one or more Commissioners. Said Commission shall name and appoint all the members of such conference and designate the chairman thereof. Said Commission shall present to such conference all information and evidence in the possession or under the control of said Commission which relates to the subject of the inquiry by such conference; and said Commission shall cause to be brought before such conference any witnesses whose testimony said Commission deems material to the subject of the inquiry by such conference. After completing its consideration of and inquiry into the subject submitted to it by said Commission, such conference shall make and transmit to said Commission a report containing the findings and

recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry, to-wit: (a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers; (b) Standards of conditions of labor for women workers and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women workers; (c) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health. In its recommendations on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health; and in its recommendations on a question of wages such conference shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which said wages shall be less than the regular minimum wages recommended for the regular women workers in the occupation under inquiry. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such a two-thirds on any subject submitted shall be deemed the decision or recommendations or report of such conference.

Section 9. Upon receipt of any report from any conference said Commission shall consider and review the recommendations contained in said report; and said Commission may approve any or all of said recommendations or disapprove any or all of said recommendations; and said Commission may re-submit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said Commission approves any recommendations contained in any report from any conference, said Commission shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in Multnomah County, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said Commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at lower wages than are authorized or permitted by said order. Said Commission shall, as far as is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establish-

ment in which women workers work. No such order of said Commission shall authorize or permit the employment of any woman for more hours per day or per week than the maximum now fixed by law; [*provided, however, that in case of emergencies which may arise in the conduct of any industry or occupation overtime may be permitted under conditions and rules which the Commission after investigation shall determine and prescribe by order and which shall apply equally to all employers in such industry or occupation.*]— (Amendment passed by an Act of the Legislature of 1915.)

Section 10. For any occupation in which only a minimum time rate wage has been established, said Commission may issue to a woman physically defective or crippled by age or otherwise a special license authorizing her employment at such wage less than said minimum time rate wage as shall be fixed by said Commission and stated in said license.

Section 11. Said Commission may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this State and determine suitable wages and hours and conditions of labor for such minors. When said Commission has made such determination, it may issue an obligatory order in the manner provided for in Section 9 of this Act; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said Commission shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

Section 12. The word "occupation" as used in this Act shall be so construed as to include any and every vocation and pursuit and trade and industry. Any conference may make a separate inquiry into and report on any branch of

any occupation; and said Commission may make a separate order affecting any branch of any occupation. Any conference may make different recommendations and said Commission may make different orders for the same occupation in different localities in the State when, in the judgment of such conference or said Commission, different conditions in different localities justify such different recommendations or different orders.

Section 13. Said Commission shall, from time to time, investigate and ascertain whether or not employers in the State of Oregon are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

Section 14. The "Commissioner of Labor Statistics and Inspector of Factories and Work Shops" and the several officers of the "Board of Inspection of Child Labor" shall, at any and all times, give to said Commission any information or statistics in their respective offices that would assist said Commission in carrying out this Act and render such assistance to said Commission as may not be inconsistent with the performance of their respective official duties.

Section 15. Said Commission is hereby authorized and empowered to prepare and adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this Act, including rules and regulations for the selection of members and the mode of procedure of conferences.

Section 16. All questions of fact arising under the foregoing provisions of this Act shall, except as otherwise herein provided, be determined by said Commission, and there shall be no appeal from the decision of said Commission on any such question of fact; but there shall be a right of appeal from said Commission to the Circuit Court of the State of

Oregon for Multnomah County from any ruling or holding on a question of law included in or embodied in any decision or order of said Commission, and, on the same question of law, from said Circuit Court to the Supreme Court of the State of Oregon. In all such appeals the Attorney General shall appear for and represent said Commission.

Section 17. Any person who violates any of the foregoing provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars or by imprisonment in the county jail for not less than ten days nor more than three months or by both such fine and imprisonment in the discretion of the court.

Section 18. Any employer who discharges or in any other manner discriminates against any employe because such employe has testified, or is about to testify, or because such employer believes that such employe may testify, in any investigation or proceedings under or relative to this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars.

Section 19. If any woman worker shall be paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of said Commission, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid to her by said employer, together with such attorneys fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

Section 20. Said Commission shall, on or before the first day of January of the year 1915 and of each second year there-

after, make a succinct report to the Governor and Legislature of its work and the proceedings under this Act during the preceding two years.

Section 21. There is hereby appropriated out of the general fund of the State of Oregon the sum of thirty-five hundred (\$3,500.00) dollars per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this Act and to pay the expenses and expenditures authorized by or incurred under this Act.

Filed in the office of Secretary of State, February 17, 1913.

Extracts from the Decision of the Supreme Court of
Oregon, in the Case of Stettler vs. O'Hara,
et al, 69 Ore. 519; 139 Pac. 743

EAKIN, J. The purpose of this suit is to have determined judicially whether either the fourteenth amendment of the Federal Constitution, or Section 20, Article I, of the Oregon Constitution is an inhibition against the regulation by the legislature of the hours of labor during which women may be employed in any mechanical or manufacturing establishment, mercantile occupation, or other employment requiring continuous physical labor; or against the establishment of a minimum wage to be paid therefor. Some features of these questions are practically new in the courts of this country. There have been some utterances by the courts of last resort to the effect that it is such an inhibition. Some of these cases relate exclusively to the limitation of the hours of employment, others to the wages to be paid on contracts with the state or municipality; but the cases so holding are based largely on the fact that such regulation deprives the individual of liberty and property without due process of law, namely, that it is not within the police power of the state and violates the liberty of contract. The first case holding such a statute unconstitutional is *Lochner v. New York*, 198 U. S. 45, Sup. Ct. 539, 49 L. Ed. 937, annotated in 3 Ann. Cas. 1133. A similar case is *Richie v. People*, 155 Ill. 98, 40 N. E. 454, 29 L. R. A. 79, 46 Am. St. Rep. 315. In the former case, in the appellate division of the state court two of five judges were in favor of upholding the law; in the supreme court of the state three of the seven judges were so minded; and in the United States court four of the nine judges favored such a disposition of the case. The opinions in those decisions are based upon different theories, showing that judicial opinion has not reached any settled or stable basis upon which to rest.

It has only been during the last few years that the matter of legislation upon the question of the limitation of hours of labor has been agitated in legislative bodies or in the courts. The decisions of the courts have been based upon first impression and may be liable to fluctuation from one extreme to the other before the extent of the power of legislation on these questions is finally settled. The entry of woman into the realm of many of the employments formerly filled by man, in which she attempts to compete with him, is a recent innovation; and it has created a condition which the legislatures have deemed it their duty to investigate and to some extent govern. It is conceded by all students of the subject, and they are many and their writings extensive, that woman's physical structure and her position in the economy of the race renders her incapable of competing with man either in strength or endurance. This is well emphasized by Justice Brewer in *Muller v. Oregon*, 208 U. S. 412, 28 Sup. Ct. 324, 52 L. Ed. 13 Ann. Cas. 957, an appeal from Oregon questioning the constitutionality of the law fixing the maximum hours of labor for woman, where he says:

That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity continuance for a long time on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race. Still, again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength, and this control in

various forms, with diminishing intensity, has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as needing especial care that her rights may be preserved. * * * Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men and could not be sustained. It is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him. * * * That her physical structure and a proper discharge of her maternal functions—having in view not merely her own health, but the well-being of the race—justify legislation to protect her from the greed as well as the passion of man. The limitations which this statute places upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit, but also largely for the benefit of all. Many words cannot make this plainer. * * * This difference justifies a difference in legislation and upholds that which is designed to compensate for some of the burdens which rest upon her.

The conditions mentioned in the above quotation lie at the foundation of all legislation attempted for the amelioration of woman's condition in her struggle for subsistence. In many states as well as in foreign countries special study and investigation have been given to this question as to the effect of long hours of labor and inadequate wages upon the health, morals, and welfare of woman, with a view to remedy the evil results as far as possible. There seems to be a very strong and growing sentiment throughout the land, and a demand that something must be done by law to counteract the evil effects of these conditions.

* * *

There is only one federal inhibition urged against this statute, namely:

No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, or deny to any person within its jurisdiction an equal protection of the law.—Fourteenth Amendment.

It may probably be conceded that the public welfare statute in question here violates this clause as abridging privileges of citizens if it cannot be justified as a police measure; and we will assume, without entering into a discussion of that question or citation of authorities, that provisions enacted by the state under its police power that have for their purpose the protection or betterment of the public health, morals, peace, and welfare, and reasonably tend to that end, are within the power of the state notwithstanding that they may apparently conflict with the fourteenth amendment of the Federal Constitution.

So that the first and principal question for decision is whether the provisions of the act before us are within the police power of the state. Professor Tucker, in 8 Cyc. 863, says:

Police power is the name given to the inherent sovereignty which it is the right and duty of the government or its agents to exercise whenever public policy, in a broad sense, demands, for the benefit of society at large, regulations to guard its morals, safety, health, order, or to insure in any respect such economic conditions as an advancing civilization of a highly complex character requires.

This is a comprehensive definition, and we will accept it without further detailed analysis or citation of authority. As will appear from the cases cited above we can accept as

settled law, statutes having for their purpose and tending to that end provision for a maximum hours law of labor for employes upon public works, a maximum hours law for women and children employed in mechanical, mercantile, or manufacturing establishments, a maximum hours law for laborers in mines or smelters, a law fixing minimum wages for employes upon public works. The latter is held in *Malette v. Spokane* (Wash.), 137 Pac. 500, even where the expense is borne by private individuals, so that the only question for decision here is as to the power of the legislature to fix a minimum wage in such a case. We use the language of Mr. Malarkey:

The police power, which is another name for the power of government, is as old and unchanging as government itself. If its existence be destroyed government ceases. There have been many attempts to define the police power and its scope; but because of confusing the power itself with the changing conditions calling for its application, many definitions are inexact and unsatisfactory. The courts have latterly eliminated much of this confusion by pointing out that, instead of the power being expanded to apply to new conditions, the new conditions are, as they arise, brought within the immutable and unchanging principles underlying the power. When new conditions arise which injuriously affect the health or morals or welfare of the public, we no longer say that we will expand the police power to reach and remedy the evil. Instead we say that a new evil has arisen which an old principle of government—the police power—will correct.

If the statute tends reasonably to accomplish the purposes intended by the legislature, it should be upheld by the court. Justice Harlan in *Jacobson v. Massachusetts*, *supra*, quoting from *Viemeister v. White*, 191 U. S. 223, states:

A common belief, like common knowledge, does not require evidence to establish its existence but may be acted upon without proof by the legislature and the courts. The fact that the belief is not universal is not controlling, for there is scarce any belief that is accepted by everyone. The possibility that the belief may be wrong, and that science may yet show it to be wrong, is not conclusive; for the legislature has the right to pass laws, which, according to the common belief of the people, are adapted to prevent the spread of contagious diseases. In a free country, where the government is by the people, through their chosen representatives, practical legislation admits of no other standard of action; for what the people believe is for the common welfare, must be accepted as tending to promote the common welfare, whether it does in fact or not. Any other basis would conflict with the spirit of the constitution, and would sanction measures opposed to a republican form of government. While we do not decide and cannot decide that vaccination is a preventative of smallpox, we take judicial notice of the fact that this is the common belief of the people of the state, and with this fact as a common foundation we hold that the statute in question is a health law, enacted in a reasonable and proper exercise of the police power.

In speaking of the Oregon ten-hour law, Chief Justice Bean, in the case of *State v. Muller, supra*, says:

Such legislation must be taken as expressing the belief of the legislature, and through it of the people, that the labor of females in such establishments in excess of ten hours in any one day is detrimental to health and injuriously affects the public welfare. The only question for the court is whether such regulation or limitation has any real or substantial relation to the object sought to be accomplished, or whether it is so "utterly unreasonable and extravagant" as to

amount to a mere arbitrary interference with the right of contract. On this question we are not without authority.

These are some of the grounds upon which maximum ten hours laws are sustained, and we have cited them here as applying with equal force to sustain the women's minimum wage law and as bringing it within the police power of the legislature. The state should be as zealous of the morals of its citizens as of their health. The "whereas clause" quoted above is a statement of the facts or conclusions constituting the necessity for the enactment, and the act proceeds to make provision to remedy these causes. "Common belief" and "common knowledge" are sufficient to make it palpable and beyond doubt that the employment of female labor as it has been conducted is highly detrimental to public morals and has a strong tendency to corrupt them. Elizabeth Beardsley Butler in her "Women and the Trades," says:

Yet the fact remains that, for the vast bulk of salesgirls, the wages paid are not sufficient for self-support; and where girls do not have families to fall back on, some go under-nourished and some sell themselves. And the store-employment which offers them this two-horned dilemma is replete with opportunities which in gradual, easy, attractive ways beckon to the second choice; a situation which few employers not only seem to tolerate, but to encourage.

The legislature of the state of Massachusetts appointed a commission known as the Commission on Minimum Wage Boards to investigate conditions. In the report of that commission in January, 1912, it said:

Women in general are working because of dire necessity, and in most cases the combined income of the family is not more than adequate to meet the family's cost of living. In these cases it is not optional with the woman to decline the low-paid employment.

Every dollar added to the family income is needed to lighten the burden which the rest are carrying. * * * Wherever the wages of such women are less than the cost of living and the reasonable provision for maintaining the worker in health, the industry employing her is in receipt of the working energy of a human being at less than its cost, and to that extent is parasitic. The balance must be made up in some way. It is generally paid by the industry employing the father. It is sometimes paid in part by the future inefficiency of the worker herself and by her children, and perhaps in part ultimately by charity and the state. * * * If an industry is permanently dependent for its existence on underpaid labor, its value to the commonwealth is questionable.

Many more citations might be made from the same authorities and from such students of the question as Miss Caroline Gleason, of Portland, Oregon, Louise B. More, of New York, Irene Osgood, of Milwaukee, and Robert C. Chapin, of Beloit College. With this common belief, of which Justice Harlan says, "we take judicial notice," the court cannot say, beyond all question, that the act is a plain, palpable invasion of rights secured by the fundamental law, and has no real or substantial relation to the protection of public health, the public morals, or public welfare. Every argument put forward to sustain the maximum hours law or upon which it was established applies equally in favor of the constitutionality of the minimum wage law as also within the police power of the state and as a regulation tending to guard the public morals and the public health.

* * *

Plaintiff further contends that the statute is void for the reason that it makes the findings of the commission on all questions of fact conclusive, and therefore takes his property without due process of law; relying on the decision of

Chicago, etc., Ry. Co. v. Minnesota, 134 U. S. 418, 10 Sup. Ct. Rep. 462, 33 L. Ed. 970, as conclusive upon that question. That case was an attack upon the law creating a railway and warehouse commission, which was held valid by the state of Minnesota, but the United States court reversed the judgment there for the reason that the law does not provide for a hearing by the parties affected by the order, which is not due process of law, and that no notice and opportunity to be heard is provided for, which is the principle ground upon which the state court was reversed. *Louisville & N. R. Co. v. Garrett*, 34 Sup. Ct. Rep. 48, is a case very much in point, in which was had a hearing before the Railway Commission of Kentucky, fixing freight rates between certain points within the state. The plaintiff attacked the legality of these orders because they were final and conclusive without right of appeal, and that by reason thereof plaintiff was deprived of property without due process of law. In deciding this question, the court said:

It (the law) required a hearing * * * and a determination by the commission whether the existing rates were excessive. But on these conditions being fulfilled, the questions of fact which might arise * * * would not become, as such, judicial questions to be re-examined by the courts. The appropriate questions for the courts would be whether the commission acted within the authority duly conferred.

Thus, in the present case, plaintiff was given the right and opportunity to be heard before the commission, as provided for by Section 9 of the act. In the third subdivision of the opinion in the latter case it is held that, even though the law gives no right of appeal from the final findings of facts, a party aggrieved is not without remedy as to matters that would be the appropriate subject of judicial inquiry, namely, if the rates fixed are confiscatory; but where such a board

has fully and fairly investigated and fixed what it believes to be reasonable rates, the party affected thereby has not been deprived of due process of law. *San Diego Land & Town Co. v. National City*, 174 U. S. 739, 19 Sup. Ct. Rep. 804, 43 L. Ed. 1154; *Spring Valley Water Works v. San Francisco*, 82 Cal. 286, 22 Pac. 910, 1046; *Louisville & N. R. Co. v. Garrett*, *supra*. Many other cases are cited in the briefs of defendants fully supporting their contention. Due process of law merely requires such tribunals as are proper to deal with the subject in hand. Reasonable notice and a fair opportunity to be heard before some tribunal before it decides the issues are the essentials of due process of law. It is sufficient for the protection of his constitutional rights if he has notice and is given an opportunity at some state of the proceeding to be heard. *Towns v. Klamath County*, 33 Or. 225, 63 Pac. 604.

We think we should be bound by the judgment of the legislature that there is a necessity for this act, that it is within the police power of the state to provide for the protection of the health, morals and welfare of women and children, and that the law should be upheld as constitutional.

The decree of the circuit court is affirmed. McBride, C. J., not sitting.

Decision of the Supreme Court of Oregon, in the Case
of Simpson vs. O'Hara, et al, 70 Ore.

261; 141 Pac. 158

MCBRIDE, C. J. This suit is similar in substance and is brought for the same purpose as the case of *Stettler v. O'Hara*, 139 Pac. 743, in which Mr. Justice Eakin, speaking for the court held the act in question to be a valid exercise of the police power, and not in conflict with either the Constitution of the United States or of this State. It is suggested, however, on this appeal that in the case of *Stettler v. O'Hara*, before cited, this court did not pass upon the contention raised in the pleadings and upon the argument, that the minimum wage act is inimical to that portion of Section 1 of the Fourteenth Amendment to the Constitution of the United States, which provides: "No state shall make or enact any law which shall abridge the privileges or immunities of citizens of the United States." While this particular clause of the amendment is not especially discussed, it was certainly intended by that opinion to express the conviction of this court that the act in question violated no precept of the Fourteenth Amendment, which it will be noted does not attempt to define the nature or extent of the privileges and immunities therein protected. Having determined in preceding case that the police power of the State legitimately extended to the right to prevent the employment of women and children for unreasonably long hours or at unreasonably small wages, and that the State had a right to use the machinery of a Commission to determine to the extent stated in the opinion the length of time and at what wages such persons might be employed, it would seem to follow as a natural corrolary that the right to labor for such hours and at such wages as would reasonably seem to be detrimental to the health or welfare of the community is not a privilege or immunity of any citizen. The guarantees of the Fourteenth Amendment are not new in American his-

tory; they existed substantially in the Constitution of many of the states, and, excepting as to the status of the negro, were well-nigh universal in the United States. Primarily, for the better protection of a newly-enfranchised race, it was thought expedient to make the general government a coguarantor with the states of these fundamental privileges of freemen. But that the effect of this would be to limit the power of the states to enact reasonable laws for the protection of their women and children against the consequences of labor for a length of time tending to impair health or at a wage barely sufficient to sustain life never entered the imagination of the statesmen who framed it. Local self government lies at the very foundation of freedom and the private and local affairs of a community are sacred from the interference of the central power unless oppressive and unreasonable encroachment on the liberties of the citizen renders such interference imperatively necessary, and such is not the case here.

The decree of the circuit court is affirmed.

Text of Oregon Ten Hour Law for Women

Hours of Employment for Women, L. O. L. 5037

No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in this State more than ten hours during any one day or more than sixty hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of one day or sixty hours during any one week.—(Laws 1907, Chap. 200, p. 360, Sec. 1; Laws 1909, Chap. 138, p. 205.)

Employers to Furnish Seats, L. O. L. 5038

Every employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, shall provide suitable seats for all female employes, and shall permit them to use such seats when they are not engaged in the active duties of their employment.—(Laws 1907, Chap. 200, p. 360, Sec. 2.)

Penalty for Violations by Employers, L. O. L. 5039

Any employer who shall require any female to work in any of the places mentioned in Section 5037 more than the number of hours provided for in this Act during any day of twenty-four hours, or who shall fail, neglect or refuse to so arrange the work of females in his employ so that they shall not work more than the number of hours provided for in this Act during any day of twenty-four hours, or who shall fail, neglect or refuse to provide suitable seats, as provided in Section 5038, or who shall permit or suffer any overseer, superintendent, or other agent of any such employer to violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than \$25.00 nor more than \$100.00.—(Laws 1907, Chap. 200, p. 360, Sec. 3.)